

Appl. No. 09/464,582

## **REMARKS**

### **Status of the Claims**

Claims 1-20 were filed in the present application. These claims have been subjected to a restriction requirement. In response, Claims 10-12 and 18-20 are canceled, above, as drawn to non-elected inventions. Claims 1-9 and 13-17 have been rejected under various rejections. As outlined above, Claim 13 has been amended. Therefore, Claims 1-9 and 13-17 1-20 remain pending in this application.

The amendment to Claim 13 removes the words "a kit containing" that were not present in the original claim. It effectively cancels all previous amendments to the preamble of the claim.

### **Objection**

The Office Action objects to the amendment filed on or about February 5, 2003, as introducing new matter into the disclosure. Applicants respectfully traverse this objection.

According to MPEP 706.03(o), "35 U.S.C. 132 should be employed as a basis for objection to amendments to the abstract, specification, or drawings attempting to add new disclosure to that originally disclosed on filing." The language to which the Office has objected is not located in the specification. Therefore, the objection is improper and should be withdrawn. Further the claim has been amended, as discussed below.

### **Rejections**

Claims 13-17 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses this rejection.

The Office Action argues that Applicant "has amended the claims to recite that the absorbent garment comprises a kit." Applicant has canceled the language "a kit containing" in Claim 13, rendering moot the rejection.

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Claims 1-9 and 13-17 stand rejected under 35 U.S.C. §102(b) as anticipated by Yamamoto et al., U.S. Patent No. 5,607,416 (hereinafter "Yamamoto"). Applicant respectfully traverses this rejection.

The present invention and Yamamoto have been described in detail in Applicant's previous response.

The Office Action argues that Yamamoto discloses a waist belt having a first belt end secured to the suspension sling proximal end and a second belt end. In support of this argument, it points to the definition of the word "end" Applicant supplied in his last response. Applicant respectfully points out that the definition selected by the Examiner relates only to the verb form "to end". This allegedly supplies the basis for the assertion that fully one-half of the belt of Yamamoto is its end. In contrast, Applicant has used the noun form of "end". It is believed that the only relevant definitions of the noun form are senses 1, 2 and 4. The location of the attachment points of Yamamoto falls outside of these definitions.

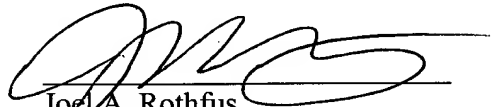
Because the present rejection is based upon a misreading of the term "end", Applicant respectfully submits that the rejection is in error and must be withdrawn.

In addition, Applicant respectfully points out that Claim 13 has distinct requirements, and the Office Action fails to set forth where Yamamoto discloses that its waist band is reusable, while its pad member is disposable. As understood by Applicant, Yamamoto discloses a waist belt that is permanently attached to its pad member. This precludes one element being reusable and the other, disposable. Finally, Applicant respectfully submits that the Office's argument that "Yamamoto discloses an end which is capable of being attached, and is attached to an attachment location" is irrelevant. The rejected claim does not merely require that one element is capable of being attached to another and is supplied in the attached condition. It requires that a reusable waist belt has attachment locations and that a disposable suspension sling be attachable at these locations. Because Yamamoto fails to disclose each and every claim limitation, Applicant respectfully submits that the rejection of Claims 13-17 is improper and must be withdrawn.

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Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joel A. Rothfus', written over a horizontal line.

Joel A. Rothfus  
Reg. No. 33,277  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2722  
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